

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

CRIMINAL NO. 3:19-CR-146-B

v.

LEAH HAGEN (01)

MICHAEL HAGEN (02)

**UNITED STATES' AMENDED NOTICE OF INTENT TO OFFER EVIDENCE
PURSUANT TO FEDERAL RULES OF EVIDENCE 902(11) AND 902(14)**

The United States of America (the government) hereby notifies the defendants of the government's intent to introduce the following evidence by affidavit or declaration as follows.

A. Business Records Under FRE 902(11)

The government intends to introduce business records by affidavit or declaration under Rules 803(6) and 902(11) of the Federal Rules of Evidence as follows:

Government Exhibit(s)	Description	Affidavit Date(s)	Affidavit Exhibit(s)
100	EFT Authorization Agreement for Leah Hagen dba Metro DME Supply, LLC, provided by PalmettoGBA's National Supplier's Clearinghouse	11/18/2020	100A
104	Medicare Provider Enrollment Application for Leah and Michael Hagen dba Metro DME Supply, LLC, provided by PalmettoGBA's National Supplier's Clearinghouse	4/23/2020	104A
102 103	Medicare Electronic Funds Transfer (EFT) Authorization Agreement and records of Medicare remittances advices for Leah Hagen dba Metro DME Supply, LLC, provided by Qlarant Integrity Solutions	4/17/2020	106
105	Medicare Administrative Contractor (the MAC) remittance records for Leah Hagen, provided by CGS Administrators, LLC	2/19/2019	105

Government Exhibit(s)	Description	Affidavit Date(s)	Affidavit Exhibit(s)
200	Records of Medicare claims data for Leah Hagen dba Metro DME Supply, LLC, provided by Qlarant Integrity Solutions	11/4/2019	200A
201 201A	Records of Aetna claims data for Leah Hagen dba Metro DME Supply, LLC, and Ortho Pain Solutions, LLC, provided by Aetna	4/15/2019	201B
202 202A	Records of Humana claims data for Leah Hagen, Metro DME Supply, LLC and Ortho Pain Solutions, LLC, provided by Humana	3/5/2020	202B
204 204A	Records of United Healthcare claims data for Metro DME Supply and Ortho Pain Solutions, provided by United Healthcare	2/13/2020	204B
301 through 301C	Bank records provided by Bank of America relating to Leah R. Hagen and Michael Hagen with account number ending in 9436	1/22/2019; 11/24/2020	308
300 300A	Bank records provided by Bank of America relating to Leah R. Hagen and Michael Hagen with account number ending in 7346	1/22/2019; 11/24/2020	308
302 through 302C	Bank records provided by Bank of America relating to Metro DME Supply, LLC with account number ending in 1492	1/22/2019	308
303 through 303B	Bank records provided by Bank of America relating to Metro DME Supply, LLC with account number ending in 7936	1/22/2019	308
304 through 304B	Bank records provided by Bank of America relating to Metro DME Supply, LLC with account number ending in 8032	1/22/2019; 11/24/2020	308
305 through 305C	Bank records provided by Bank of America relating to Ortho Pain Solutions, LLC with account number ending in 7565	1/22/2019; 11/24/2020	308
306 through 306A	Bank records provided by Bank of America relating to Ortho Pain Solutions, LLC with account number ending in 9911	1/22/2019; 11/24/2020	308

Government Exhibit(s)	Description	Affidavit Date(s)	Affidavit Exhibit(s)
307A	Wire transaction details provided by Bank of America relating to the bank records for Leah R. Hagen, Michael Hagen, Metro DME Supply, LLC, Malesco, LLC, and Ortho Pain Solutions, LLC, from 1/1/2015 to 1/10/2019	1/22/2019; 11/24/2020	308
307 307B	Wire transaction detail provided by Bank of America relating to the bank records for Leah R. Hagen, Michael Hagen, Metro DME Supply, LLC, and Ortho Pain Solutions, LLC	11/24/2020	308
501 504 507 508 510 511 515 521 522 532	Unified Program Integrity Contractor (the UPIC) South East records provided by SafeGuard Services, LLC relating to Leah Hagen dba Metro DME Supply, LLC	4/14/2020	535
517 520 524 525 530	UPIC Midwest records provided by CoventBridge (USA) Inc. relating to Leah and Michael Hagen dba Metro DME Supply, LLC	4/23/2020	536
529	UPIC North East records provided by SafeGuard Services, LLC relating to Leah Hagen dba Metro DME Supply, LLC	4/20/2020	537
500 518 526 527	UPIC South East records provided by SafeGuard Services, LLC relating to Leah Hagen dba Metro DME Supply, LLC	4/24/2020	538
503 505 506 514 516	UPIC South West records provided by Qlarant Integrity Solutions relating to Leah Hagen dba Metro DME Supply, LLC	4/24/2020	539
502 509 512 513 523 531	UPIC West records provided by Qlarant Integrity Solutions relating to Metro DME Supply, LLC	4/22/2020	540

B. Data Authenticated by a Process of Digital Identification Under FRE 902(14)

Further, the government notifies the defendants of its intent to introduce data copied from an electronic device, storage medium, or file as authenticated by a process of digital identification, by affidavit or declaration under 902(11) and 902(14) of the Federal Rules of Evidence as follows:

Government Exhibit(s)	Description	Affidavit Date	Affidavit Exhibit
804 805	Patient Audio Recordings for beneficiary J.M. Imaged from Electronic Devices Seized Pursuant to Premises Search Warrant	12/1/2020	813
806 807 808 808A 809A 809B 809C 811 811A 811B 811C 812 812A	Patient Audio Recordings and Doctors' Orders Extracted from Codero Server Obtained Pursuant to Search Warrant	12/3/2020	814
402 402A 403 404 405 406	Client Accounting CRM Portal Screenshots, Master Lists, and Payments Extracted from Codero Server Obtained Pursuant to Search Warrant	4/30/2021	816
909 910 911	Extraction Reports of Skype Conversations from Leah Hagen's Apple iPad Mini 4 Obtained Pursuant to Search Warrant	11/9/2020	912
900 901 902 903 904 905 906	Extraction Reports of Skype Conversations from Herbert Kimble's Macbook	12/3/2020	815

Government Exhibit(s)	Description	Affidavit Date	Affidavit Exhibit
907 908 914 916			

Respectfully submitted,

PRERAK SHAH
ACTING UNITED STATES ATTORNEY

DANIEL KAHN
ACTING CHIEF
FRAUD SECTION, CRIMINAL DIVISION

/s/ Brynn A. Schiess

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CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2021, I electronically filed the foregoing document with the Clerk of Court for the United States District Court for the Northern District of Texas using the electronic filing system of the Court.

/s/ Brynn A. Schiess

Brynn A. Schiess
Trial Attorney